
Prepared by: Blane Breland, USDA Rural Development, 3260 Hwy. 51 South,
Hernando, MS 38632; 662-429-8687/ 662-560-3271

* **Return to:** David A. Philley, 5135 Summers Creek Dr., Olive Branch, MS 38654

Document Title: Substitute Trustee's Deed

Grantee: David A. Philley, 5135 Summers Creek Dr.,Rd Olive Branch, MS 38654
662-895-9122 or 901-493-0217

Grantor: Johnny M. Shell, Substitute Trustee for the United States of America,
175 Broome Ridge Ste C, Batesville, MS 38606 662-578-7008

Indexing instructions: Lot 1576, Section C, Desoto Village S/D in Sec. 33, T 1 South,
R 8 West, Desoto County, Mississippi
Plat Book 10; Pages 3-8

SUBSTITUTE TRUSTEE'S DEED

WHEREAS, the United States of America, acting by and through the United States Department of Agriculture, is the owner and holder of the following real estate deed(s) of trust, securing an indebtedness therein mentioned, and covering certain real estate hereinafter described located in Desoto County, Mississippi, said deed(s) of trust being duly recorded in the Office of the Chancery Clerk in and for said County and State:

| GRANTORS | DATE EXECUTED | TRUST DEED BOOK | PAGE |
|--------------------------------------|---------------------------|--------------------|------|
| Beatrice J. Griffin | March 16, 1994 | 694 | 508 |
| April R. Mashore | March 24, 1999 | 1095 | 55 |
| Steve Porrier | September 26, 2003 | 1834 | 261 |
| | (Corrected & Re-recorded) | | |
| Steve Porrier and Melinda Porrier | February 5, 2004 | 1922 | 245 |

The indebtedness secured by the Deed of Trust dated March 16, 1994, and executed by Beatrice J. Griffin was assumed by April R. Mashore by Warranty Deed dated March 24, 1999, and recorded in the office of the aforesaid Chancery Clerk in Deed Record Book 349 at Page 343 and with Assumption Agreement dated March 24, 1999.

The indebtedness secured by the Deed of Trust dated March 24, 1999, and executed by April R. Mashore was assumed by Steve Porrier by Warranty Deed dated September 24, 2003, and recorded in the office of the aforesaid Chancery Clerk in Deed Record Book 454 at Page 199 and with Assumption Agreement dated September 26, 2003.

And default having been made in the payment of said indebtedness;

And the United States of America, as Beneficiary, having authorized and instructed the Substitute Trustee to foreclose said deed(s) of trust by advertisement and sale at public auction as required by law;

The said Substitute Trustee caused a due notice to be published in the Desoto Times-Tribune, a newspaper published in the City of Hernando, said County and State, and on April 22, 2010, posted alike notice on the bulletin board of the County Courthouse in Hernando, Mississippi, that certain lands herein after described would on May 17, 2010, be sold at public auction at the East front door of said Courthouse to the highest bidder for cash by virtue of the authority vested in the said Substitute Trustee by said deed(s) of trust, which

said notice was published in said newspaper in the issues April 22, April 29, May 6, and May 13, 2010.

And said lands having been sold by said Substitute Trustee on May 17, 2010, within legal hours (being between the hours of 11:00 AM and 4:00 PM), in the manner prescribed in and by said deed(s) of trust and in accordance with the laws of the State of Mississippi, and at the place aforesaid in pursuance of said notice, offered for sale at public auction to the highest bidder for cash, and David A. Philley, having been the highest bidder therefore and having bid the sum of Thirty-five thousand, seven-hundred, and no/100 Dollars(\$35,700.00), the said David A. Philley was duly declared the purchaser thereof.

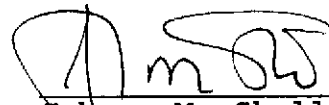
NOW, THEREFORE, in consideration of the sum so bid, I, **Johnny M. Shell**, as Substitute Trustee, do hereby convey and sell to the said David A. Philley, the following described land situated in Desoto County, Mississippi, to-wit:

Lot 1576, Section C, South, DESOTO VILLAGE SUBDIVISION, in Section 33, Township 1 South, Range 8 West, City of Horn Lake, DeSoto County, Mississippi, as shown by the plat appearing of record in Plat Book 10, Pages 3-8, in the office of the Chancery Clerk of DeSoto County, Mississippi.

being the same property described in said deed(s) of trust and the same property sold and purchased at said sale.

I, **Johnny M. Shell**, Substitute Trustee, convey only such title as is vested in me as Substitute Trustee.

IN WITNESS WHEREOF, I have caused these presents to be signed the 17th day of May, 2010.



Johnny M. Shell

Substitute Trustee

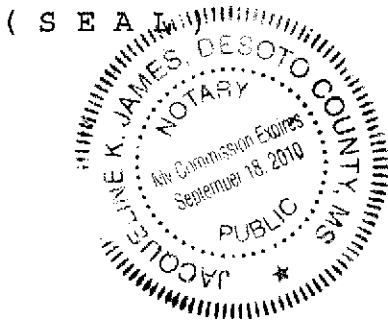
Duly authorized to act in the premises by instrument dated June 9, 2008, and recorded in Book G-1, Page 38, of the records of the aforesaid County and State.

ACKNOWLEDGEMENT

STATE OF MISSISSIPPI)
) SS:
 COUNTY OF DESOTO)

Personally appeared before me, Jacqueline James, a notary public in and for the County and State aforesaid **Johnny M. Shell**, Substitute Trustee, who acknowledged that he signed and delivered the foregoing Substitute Trustee's Deed on the day and year therein mentioned.

Given under my hand this 17th day of May, 2010.



My Commission Expires:

September 18, 2010

Jacqueline K. James
 NOTARY PUBLIC

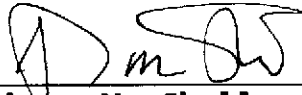
Grantor: **Johnny M. Shell**, Substitute Trustee for the United States of America; 175 Broome Ridge Road, Suite C; Batesville, Mississippi 38606; telephone: (662) 578-7008.

Grantee: David A. Philley, 5135 Summers Creek Rd. Olive Branch, Ms 38654/ 662-895-9122 or 901-493-0217

AFFIDAVIT OF FORECLOSURE PROCEEDINGS

STATE OF MISSISSIPPI)
) SS:
 COUNTY OF DESOTO)

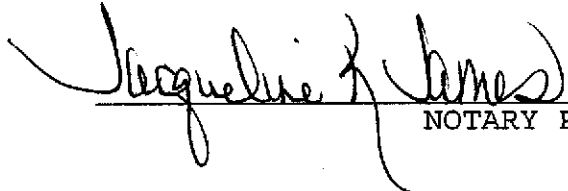
Johnny M. Shell, being first duly sworn on oath, deposes and says that on April 22, 2010, as Substitute Trustee, he posted a copy of the Notice annexed to the foregoing Publisher's Affidavit on the bulletin board of the County Courthouse in Hernando, Mississippi; that further, he was authorized and instructed by the Beneficiary to foreclose certain deed(s) of trust by advertisement and sale; that he acted as auctioneer for the sale of the premises described in the notice annexed to the foregoing Publisher's Affidavit and that pursuant to such Notice of Sale, he sold said premises at public auction at the place and at the time of sale mentioned therein, to wit: At the hour of 11:00 on May 17, 2010, at the East front door of the County Courthouse in the aforesaid County where said premises are situated; and that said premises were then and there purchased by David A. Philley for the sum of \$35,700.00, said purchaser being the highest bidder, and said sum being the highest sum bid; and deponent further says that said sale was conducted fairly, honestly, and according to the terms of said deed(s) of trust and the laws of the State of Mississippi, and that to the best of his knowledge and belief, the Grantor(s) are not members of the Armed Services of the United States of America.



 Johnny M. Shell

Subscribed and sworn to before me this 17th day of May, 2010.





 NOTARY PUBLIC

My Commission Expires:

September 18, 2010

DESOTO TIMES-TRIBUNE

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI
COUNTY OF DESOTO

Diane Smith personally appeared before me the undersigned in and for said State and states on oath that she is the CLERK of the DeSoto Times-Tribune published in the town of Hernando, State and County aforesaid, and having a residence in said county, and that the publication of the notice, a copy of which is hereto attached, has been made in said paper 4 consecutive times, as follows, to-wit:

NOTICE OF SALE

WHEREAS, the United States of America, acting by and through the United States Department of Agriculture, is the owner and holder of the following real estate deed(s) of trust, securing an indebtedness therein mentioned and covering certain real estate hereinafter described located in Desoto County, Mississippi, said deed(s) of trust being duly recorded in the Office of the Chancery Clerk in and for said County and State:

GRANTORS

Beatrice J. Griffin

DATE EXECUTED

March 16, 1994

TRUST DEED BOOK

694

PAGE

508

GRANTORS

April R. Mashore

DATE EXECUTED

March 24, 1999

TRUST DEED BOOK

1095

PAGE

55

GRANTORS

Steve Porrier

DATE EXECUTED

September 26, 2008

TRUST DEED BOOK

1834

PAGE

261

GRANTORS

Steve Porrier and Melinda Porrier

DATE EXECUTED

(Corrected & Re-recorded)

February 5, 2004

TRUST DEED BOOK

1922

PAGE

245

The indebtedness secured by the Deed of Trust dated March 16, 1994, and executed by Beatrice J. Griffin was assumed by April R. Mashore by Voluntary Deed dated March 24, 1999, and recorded in the Office of the aforesaid Chancery Clerk in Deed Record Book 348 at Page 343 and with Assumption Agreement dated March 24, 1999.

Volume No. 115 on the 22 day of April, 2010

Volume No. 115 on the 29 day of April, 2010

Volume No. 115 on the 6 day of May, 2010

Volume No. 115 on the 13 day of May, 2010

Volume No. _____ on the _____ day of _____, 2010

Volume No. _____ on the _____ day of _____, 2010

Diane Smith

Sworn to and subscribed before me, this 13 day of May

BY Judy H. Douglas

NOTARY PUBLIC STATE OF MISSISSIPPI AT LARGE
MY COMMISSION EXPIRES: JANUARY 16, 2013
BONDED THRU DIXIE NOTARY SERVICE, INCORPORATED

A. Single first insertion of 529 words @ .12 \$ 63.48

B. 3 subsequent insertions of 1577 words @ .10 \$ 157.70

C. Making proof of publication and depositing to same \$ 3.00

TOTAL PUBLISHER'S FEE: \$ 224.18

The indebtedness secured by the Deed of Trust dated March 24, 1999, and assumed by April R. Mashore was assumed by Steve Porrier by Voluntary Deed dated September 24, 2008, and recorded in the Office of the aforesaid Chancery Clerk in Deed Record Book 494 at Page 199 and with Assumption Agreement dated September 24, 2008.

WHEREAS, said debt is secured by the payment of the indebtedness assumed by said deed(s) of trust, and the United States of America, as Beneficiary, has authorized and instructed me as Substitute Trustee to foreclose said deed(s) of trust by advertisement and sale at public auction in accordance with the statutes made and provided therefor.

THEREFORE, notice is hereby given that pursuant to the power of sale contained in said deed(s) of trust and in accordance with the statutes made and provided therefor, the said deed(s) of trust will be foreclosed and the property covered thereby and hereinafter described will be sold at public auction to the highest bidder for cash at the East front door of the County Courthouse in the city of Hernando, Mississippi, in the aforesaid County and will sell within

legal hours (being between the hours of 11:00 AM and 4:00 PM) on May 17, 2010, to satisfy the indebtedness now due under and secured by said deed(s) of trust.

I will convey only such title as is vested in me as Substitute Trustee.

The premises to be sold are described as:

Lot 1578, Section C, South, DESOTO VILLAGE SUBDIVISION, in Section 33, Township 1 South, Range 8 West, City of Horn Lake, DeSoto County, Mississippi, as shown by the plat appearing of record in Plat Book 10, Pages 3-8, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

April 22, 2010

Date

/s/Johnny M. Shell

Johnny M. Shell

Substitute Trustee

Duly authorized to act in the premises by instrument dated

June 9, 2008, and recorded in Book G-1, Page 38, of the records of the aforesaid County and State.

April 22, 2010, May 6 & 13, 2010

